

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

UNSTARRED QUESTION NO:1445
ANSWERED ON:10.03.2008
VIOLATION OF LABOUR LAWS
Subbarayan Shri K.

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the number of labourers employed in private sector in the country at present, State-wise;
- (b) the number of complaints received and cases registered with Government for violation of Labour Laws by the companies/factories during each of the last three years and thereafter, State-wise;
- (c) the action taken by the Government against such companies/factories during the above period;
- (d) whether Labour Inspectors carry out regular inspections of the companies/factories to ensure compliance of Labour Laws;
- (e) if not, the number of cases registered and action taken against the errant Labour Inspectors;
- (f) whether the Government proposes to constitute a comprehensive monitoring mechanism to ensure proper implementation of Labour Laws including Law relating with women workers;
- (g) if so, the details thereof; and
- (h) the further steps taken by the Government for proper implementation of Labour Laws particularly protection of women from sexual abuses?

Answer

MINISTER OF THE STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES)

(a): Details of State-wise employees in the private organised sector as on 31.3.2005, latest available with this Ministry are given in Annexe-I.

(b) & (c): Under the Constitution of India, Labour is a subject in the concurrent list where both the Central and State Government are competent to enact legislation. There are 43 Labour Laws out of which 12 were enacted by the Central Government and the Central Government has the sole responsibility for their enforcement. 16 Labour Laws were enacted by the Central Government but enforced both by Central and State Governments. The remaining 15 Labour Laws enacted by the Central Government are enforced by the State Governments. There are also other Labour Laws enacted and enforced by the various State Governments which apply to respective States.

Information on action taken by the State Governments in respect of violation of labour laws is not Centrally maintained.

In the Central Sphere, the officers of the Chief Labour Commissioner (Central) Organisation conduct inspections under various Labour Laws and on receipt of complaints. The details of inspections conducted and prosecutions launched during the last three years are at Annexe 'A'-'K'.

(d): Whenever complaints are received regarding violation of Labour Laws, action is expected to be taken by the Appropriate Government as per provisions of the Act which is alleged to have been violated.

(e): As and when cases of negligence/misconduct are observed, disciplinary action is initiated. At present, 8 such disciplinary actions are pending against Labour Inspectors, in the Central Sphere. Corresponding figures for all State Governments is not Centrally maintained.

(f): No, Sir.

(g): Does not arise.

(h): With particular reference to protection of women workers provisions are contained in various Acts such as The Factories Act, 1948, The Equal Remuneration Act, 1976, The Mines Act, 1952, The Maternity Benefit Act, 1961. Further in pursuance to the judgement of the Hon'ble Supreme Court in the case of Visakha Vs State of Rajasthan, the Central Government has included sexual

harassment as an Act of misconduct in the model standing orders with effect from 20.11.1999. After the above judgement of the Apex Court, Complaint Committees are also required to be constituted by the Industrial Establishments.